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Snell & Wilmer L.L.P. (AMEX)
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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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10/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/707,310	Applicant(s) BARTNING ET AL.	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/10 has been entered.

Status of Claims

2. Due to communications filed 6/8/10, the following is a non-final office action. Claims 1-13 are cancelled, and claims 14-21 have been added. Claims 14-21 are pending in this application and have been examined on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

Art Unit: 3628

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), and further in view of www.orbitz.com.

As per claims 14, 15, 18, 19, 20 and 21, Block et al discloses:

Receiving/receive, by a computer based system for managing customer travel, a booking request via a travel channel, (claim 38, lines 9-10 of Block et al discloses receiving a request to engage in a transaction for a traveling member, and claim 47 of Block et al shows that a request is a request to make travel arrangements from one address to another address);

accessing/access, by the computer based system, travel booking data and customer data, ([0050] shows that In order for a user to have access to the present system, the user must first enroll on the system. In doing so, the user must provide a profile including name, address, telephone number, credit card information, desired class of air travel (e.g., coach, business, first), airline carrier preference, seating preference, self park or valet parking, rental car preferences, and so forth. The users profile is stored in the system, and the user is provided a PIN number, to permit the new member user to gain access to the system, claim 1, lines 2-5 of Block et al shows a central memory storing member profile records, each member profile record including member identification information and travel information of an associated system member, where examiner interprets name, address, telephone number, credit card information, of the

Art Unit: 3628

profile as the customer information of the present invention and the desired class of air travel (e.g., coach, business, first), airline carrier preference, seating preference, self park or valet parking, rental car preferences, and so forth as the travel booking data of the present invention, where claim 38, lines 3-8 of Block et al shows obtaining traveling member information including travel related information and central identification information on traveling members, and maintaining a central database of member profiles at a central server, each member profile including traveling member information,);

analyzing/analyze, by the computer based system, the travel booking data and the customer data, based on the booking request, (claim 38, lines 15-17 of Block et al shows authorizing the request by positively matching the local identification information and input identification information with the central identification information, where the travel booking data and the customer data is maintained in the central memory as disclosed above in the rejection of the previous limitation);

accessing/access, by the computer based system, a global distribution system, the global distribution system comprising a travel service inventory, a local transportation service inventory, and a lodging services inventory, ([0069] After the member has completed their flight reservations, the system operates to prompt the member for further travel assistance as shown by step 180 in the flowchart of FIG. 21. A pull-down menu will be presented having icons asking the member whether they require car rental

Art Unit: 3628

reservations, parking reservations, hotel reservations, restaurant reservations, ground transportation, and so forth, [0164] From a travel provider or facility perspective, the certification process will be a source of pride for the facility. The certification level provided to a facility (i.e. airport, port, etc.) is another parameter upon which a traveler may base his or her decision to travel. A traveler may select an airport that carries a darker shade of green or greater level certification than one that is not certified at all or one that has a lighter shade of green or lower level of certification. This gradation information allows travelers to base their flight plans around which airports will make their travel easier by making the most use of their AirportAmerica membership. The certification-level data will be shared with a number of the Global Distribution System providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety of Internet based booking engines (such as Travelocity, Expedia, Orbitz and others of similar function), where in this case, these type of booking engines do comprise travel service inventory, local transportation inventory and lodging services inventory.

wherein the travel service inventory, the local transportation service inventory, and the lodging services inventory are provided from a plurality of vendors, (Fig. 21, shows the ability to select between city trains, taxi-cabs, limousines, etc also, since Travelocity, Expedia and Orbitz are mentioned as show in the rejection of the above limitation, this suggests plural vendors).

Art Unit: 3628

wherein the travel service inventory includes at least one of airline flight inventory, train route inventory, and bus route inventory, ([0011] The system includes an Intranet or like system for better communication within the airport. The system also provides an Internet for communication between airports within and participating in the system. Both the system's Intranet and the Internet provide standard templates used for intranet and internet sites for use by airport employees and other travel provider employees to notify the system about situations that affect travelers. Anything that would delay or change a traveler's plans is recorded by an authorized user that has been granted security access to do so. These events trigger actions specified by the traveler to notify them and interested parties (including but not limited to those expecting to meet the traveler). The system intranet may access more detailed gate information as posted by the various airlines and as maintained typically on flight boards that are visible throughout the airport. By accessing the Flight Board information or other travel provider information by using their OneTouch either within or outside of the travel facility, members will have a chance to see, for example, the flight status, the departure gate, the status of boarding, if a gate is changed, or if the flight is cancelled. The same principle applies to non-airport related modes of travel, such as trains, buses, ships, and so forth, [0161] The system is of a flexible design that permits operation at a number of levels of personal information. These levels apply both to individual members and to travel facilities that integrate with AA. Examples of such travel facilities include *airports*, *airlines*, ports, terminals, security agencies, hotels, car rental agencies, charter companies, railroads,

Art Unit: 3628

stations, taxi services, limousine services, *bus lines*, depots, ferries, and other travel provider facilities.).

wherein the local transportation service inventory includes at least one of rental car inventory and public transportation inventory, (Claim 64 of Block et al shows that the transaction includes reserving a rental vehicle, [0161] The system is of a flexible design that permits operation at a number of levels of personal information. These levels apply both to individual members and to travel facilities that integrate with AA. Examples of such travel facilities include airports, airlines, ports, terminals, security agencies, hotels, *car rental agencies*, charter companies, railroads, stations, taxi services, limousine services, bus lines, depots, ferries, and other travel provider facilities.); and

wherein the lodging services inventory includes at least one of condominium rental inventory and hotel room inventory, ([0161] The system is of a flexible design that permits operation at a number of levels of personal information. These levels apply both to individual members and to travel facilities that integrate with AA. Examples of such travel facilities include airports, airlines, ports, terminals, security agencies, *hotels*, car rental agencies, charter companies, railroads, stations, taxi services, limousine services, bus lines, depots, ferries, and other travel provider facilities);

displaying/display, by the computer based system, a travel itinerary, based on the travel booking data, the customer data, the booking request, and at least one of the travel service inventory, the local transportation service inventory and the lodging services inventory, (see claim 92 of Block et al , where it shows: “A method for providing a computerized interactive rapid response Internet accessed travel planning and reservation system comprising the steps of: forming a database including airport domain names, transportation hub domain names, ground transportation services domain names, hotel domain names, restaurant domain names, and airline domain names; forming a database including individual member profiles of active members of said system including travel preference profiles for each active member; communicating over the Internet with active members of said system, said system including means permitting a member to so communicate through use of any one of a plurality of devices; responding to a member's request for making travel arrangements; prompting said member to provide information including a plurality of departure airport, arrival airport, desired arrival time, accommodation preference, ground transportation preference, parking needs, restaurant needs, and length of stay; contacting via the Internet all necessary travel service providers to arrange for all travel requirements of said member; providing kiosks at different locations within concourses of airports to permit members a direct link to said system; transmitting airline tickets to a member for printout from a device in communication with said system; and storing the travel itinerary for access by the member during a time period covering an associated trip”).

creating/create, by the computer based system, a travel reservation, (claim 43 of Block et al shows reserving travel services based on information received in the request and on the travel related information of the traveling member);

receiving/receive, by the computer based system, a change request via a traveler counselor office, ([0073] of Block discloses that If a member's plans unexpectedly change or if a flight is cancelled or delayed, and particularly if the flight is missed, the member can just click to eaircharters using a palm or computer, or via cellular phone on the go thru AA chip or Internet connect thru AA icon on a WAP phone, and the AA will arrange for charters from the departing airport that by agreement are on standby, where the charter operators selected by AA for inclusion ensure that standby and equipment are available based on pre-set agreements, where in this case, it is suggested that requests are via a travel counselor office since in Block, charter operators are used to carry out the request); and

modifying/modify, by the computer based system, the booking request based on the change request, the travel booking data, the customer data, and at least one of the travel service inventory, the local transportation service inventory, and the lodging services inventory, ([0073], the AA will arrange for charters from the departing airport that by agreement are on standby, [0074] shows that a member can change travel plans on the run thru use of a palm, an iCell phone 22, cell phone 17, laptop 20, or at an AA

Art Unit: 3628

kiosk 11 and/or connectors provided at the airport (for example--ATL). The member can obtain a text confirmation at an AA kiosk 11 (computer printout) or at a gate airline link.).

In addition, the following is disclosed by Block et al:

a network interface communicating with a memory, (Fig. 1, shows program input device connected to program memory);

the memory communicating with a processor, (Fig. 1, shows program memory connected to computer); and

Block et al does not specifically disclose restricting, by the computer based system, display of the lodging services in response to the booking request containing a same-day travel service, however, this limitation is obvious with Orbitz, since in Orbitz, as shown in the www.orbitz.com attachment, a hotel package requires a minimum of a one night stay since the check out date has to be after the check in date and the minimum length stay has not been met, thereby not allowing the booking request for travel to be completed for same-day travel service. This therefore suggests that lodging services displayed in response to the booking requests can not be completed, and are therefore restricted.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose restricting, by the computer based system, display of the lodging services in response to the booking request containing a same-day travel

Art Unit: 3628

service with the motivation of showing that the booking of a hotel is unnecessary when doing same-day travel.

As per claim 15, Block et al discloses:

wherein the travel channel comprises an internet connection, a telephone, and the traveler counselor office, ([0049] Access to the website of the system is via the Internet 12, as previously indicated. As shown in FIG. 2, members or users of the present inventive system can gain access to the system website 14 via a number of available devices. As shown in FIG. 2, these devices include but are not limited to a Wireless Application Protocol (WAP) 16, a cell phone 17, a WebTV 18, a personal computer 20, an iCell, phone 22, a OneTouch 19, a kiosk 21, a mobile telephone 24, also since in this case, it is suggested that requests are via a travel counselor office since in Block, charter operators are used to carry out the request as disclosed above in the rejection of claim 14).

As per claim 18, Block et al discloses:

wherein the travel reservation comprises flight reservation information, hotel reservation information, and car rental reservation information, ([0069] After the member has completed their flight reservations, the system operates to prompt the member for further travel assistance as shown by step 180 in the flowchart of FIG. 21. A pull-down menu will be presented having icons asking the member whether they require car rental reservations, parking reservations, hotel reservations, restaurant reservations, ground

Art Unit: 3628

transportation, and so forth. The system responds, as shown in the flowchart of FIG. 21, to the member's selections. If in step 182 the member confirms that hotel reservations are required, the member is further prompted in step 183 to indicate whether economy, five star, or some other class of hotel or lodging is needed. Next in step 184, the member is prompted to provide their time of arrival, and length of stay. Next, in step 185, the member is prompted to select their desired hotel location, as indicated in the flowchart. If hotel reservations are not required, step 186 is entered for terminating the hotel transaction. Similarly, if restaurant reservations are required via prompting step 188, steps of 189 through 191 are carried out as prompting steps to permit the system to then automatically make the necessary restaurant reservations. If restaurant reservations are not required in step 188, the transaction is terminated in step 192. If ground transportation is required via step 198, prompt step 199 is entered for requesting the member to select one of the indicated modes of transportation. Once the member indicates their choice, the system responds by arranging the necessary transportation, and advising the member of the arrangements made. Note that the member is prompted in each of steps 182, 188, and 198 to advise whether or not hotel, restaurant, and/or ground transportation reservations are required to ensure the member does not in making hasty travel plans forget to pursue the same. Also, the system depending upon the mode of communication with the member, will either present a screen display of the reservations made, or provide a voice synthesized message of the same for the requested hotel, and/or restaurant, and/or ground transportation arrangements made).

Art Unit: 3628

As per claim 19, Block et al discloses:

further comprising associating, by the computer based system, the travel reservation with the customer data, ([0072] As previously indicated, AA membership is obtained by simply logging in the first time and following filling out of name, address, phone, fax, e-mail, cell phone number, the member's credit card is assigned a pin number. Members receive a free e-mail if they so desire. After enrollment the AA member simply logs-on with member password and then scans Flight information and orders tickets which are delivered online via ezflightinfo.com, eztvrez.com, or 1clicktx.com. All domain names (e.g. coms) mentioned herein are owned by AA. If the member is cutting it close, or on the way to the airport, the member can go online or electronically communicate through a palmtop, laptop computer, cell phone, or WAP phone (WAPairtx.com, WAPairtix.com). Tickets can be printed out either at AirportAmerica Kiosks 11 (see FIG. 1) located strategically throughout the airport through a partnering with the local sponsor airport, or on a computer printer. The reservations are verified visually at the gate, or verified electronically at the gate (1clicktx, buyeasyairlinetickets, easyairlinetickets, ezairlinetickets).

5. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), and further in view of www.orbitz.com , and further in view of Henry (US 2009/0074168 A1).

As per claim 16, neither Block et al nor www.orbitz.com discloses wherein the booking request is an unformatted e-mail message, however, Henry discloses in [0163] that “While the discussion thus far has been described in the context of subscribers issuing concierge requests over the telephone to the Concierge Provider, it is also possible, of course, for concierge requests and other services to be requested by the subscriber by other means. For example, subscribers can be given e-mail addresses to which to submit their concierge or other requests for service, and these e-mail requests can be serviced by either operators dedicated to servicing such requests or by the same operators that service telephone-initiated requests”. It therefore would be obvious to combine Block et al, www.orbitz.com , and Henry to disclose wherein the booking request is an unformatted e-mail message.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the booking request is an unformatted e-mail message with the motivation of providing users with various means to book a travel request.

As per claim 17, neither Block et al nor www.orbitz.com discloses wherein the change request is an unformatted e-mail message, however, Henry discloses in [0144] that the user is able to request change or cancellation of travel to the concierge. In addition, Henry discloses in [0163] that “While the discussion thus far has been described in the context of subscribers issuing concierge requests over the telephone to the Concierge

Art Unit: 3628

Provider, it is also possible, of course, for concierge requests and other services to be requested by the subscriber by other means. For example, subscribers can be given e-mail addresses to which to submit their concierge or other requests for service, and these e-mail requests can be serviced by either operators dedicated to servicing such requests or by the same operators that service telephone-initiated requests". It therefore would be obvious to combine Block et al, www.orbitz.com , and Henry to disclose wherein the booking request is an unformatted e-mail message.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the change request is an unformatted e-mail message with the motivation of providing users with various means to change a travel request.

Response to Arguments

6. Applicant's arguments filed 5/10/10 have been fully considered but they are not persuasive.

Applicant argues that Block does not disclose or contemplate that a traveler is able to make or change a travel reservation at a physical location by interacting with a travel agent, where the agent has access to the reservation and the inventories previously used to create the travel reservation. Moreover, Block does not disclose the ability to consider the customer data and filter related services (e.g. lodging services and transportation services) based on the travel service request and customer data provided, and uses the example that Block does not disclose the ability to recognize

Art Unit: 3628

that a travel request includes a same-day departure and return flight, and as a result, determine that lodging services are not required.

However, as disclosed above in the rejection, Block shows that charter operators are used to carry out the request in [0073], which suggests that requests are via some type of travel counselor office. In addition, the Orbitz reference has now been included in the rejection, and therefore, applicant's argument with respect to prior art not having the ability to consider customer data and filter related services, and prior art not disclosing "restricting, by the computer based system, display of the lodging services in response to the booking request containing a same-day travel service" is now moot.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 3628

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
October 22, 2010

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628